

## Human Rights and the Grammar of Corporate Social Responsibility

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# Human Rights and the Grammar of Corporate Social Responsibility\*

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## Abstract

Corporate social responsibility reporting plays an important role in how business organisations articulate themselves both inside and out. Reports play a sense-making role, expressing organisational agency through narratives and accounts and from there generating patterns of self-legitimation for corporate officers. They articulate a social place for firms, 're-embedding' them socially without radically disrupting familiar processes and routines.

This paper focuses on how human rights is put to work in social reporting. Human rights act both as moral expressions and as amenable to measurement, benchmarking and governance. How they are to be defined is informed by neighbouring phrases and informs other phrases in turn. As such their meaning within corporate reports is not fixed or given: meaning is clarified and developed through the textual contexts within which rights are situated. Applying text analytic techniques, I focus on the place of rights in the CSR reports of large oil and mining firms. I highlight the ways that rights are developed and the implications of narratives for our understanding of both business and human rights and of the corporate form.

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# Introduction

Words generate their meanings through context. Context allows meanings to be rendered precise and clear. Meaning is, in short, a matter of *clarification*. ‘Human rights’ have entered our lexicon not simply as a legal device but as a means for people and institutions to express specific kinds of attitude towards others: to make explicit their *recognition* of others’ status, interests and needs. How we are to understand these recognitions, however, is down to our understanding the contexts within which human rights are invoked.

This paper focuses on mentions of human rights in corporate social responsibility reports issued by a number of global oil, gas and mining companies since 1998. The paper aims to do two things: first to outline a framework for approaching corporate reporting as an aspect of corporate agency and second to describe a method for analysing how words are ‘put to work’ in corporate narratives. How does linguistic context clarify the articulation of key norms? How is (moral) agency expressed through patterns of repetition, account-giving rituals and linguistic routines?

In order to explore these questions I set out an approach to computer-driven content analysis that brings collocations to the fore through a ‘mutual information’ measure. Mutual information relies on the probability of words being more or less proximate to a keyword. More broadly, what human rights actually mean in any context relies on the words that surround it. No doubt corporate reports are heavily repetitive and narrow vehicles for meaning, but we ought to take this as an opportunity. Routines can be revealing and can deepen our understanding of how corporations seek to negotiate their place in the world.

## Narrative and corporate agency

Global firms, far from being monolithic leviathans, are characterised by narratives of justification, self-legitimation and legibility. They negotiate their place in society specifically through narrative routines. Most obviously, they have a long history of employing financial and management accounting procedures to communicate with investors and others. They employ management routines and systems of appraisal in order to express esteem and disesteem to their workforce.<sup>1</sup> They employ internal propaganda and even architectural signals that aims to motivate their employees or customers towards the firm’s ‘cultural’ norms.<sup>2</sup>

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<sup>1</sup>On esteem see G Brennan and P Pettit, *The Economy of Esteem: An Essay on Civil and Political Society* (Oxford University Press 2005).

<sup>2</sup>For instance, Dublin’s Google ‘campus’ aims at “boosting the spirit of innovation”. See Camenzind Evolution Ltd Architecture and Design, Dublin’s Google campus, “Evolution” (2016) (<http://www.camenzindevolution.com/Office/Google/Google-Campus-Dublin>) visited on October 10, 2016. See also L Boltanski and E Chiapello, *The New Spirit of Capitalism* (G Elliott trans., Verso 2005); L Boltanski and A Esquerre, “The Economic Life of Things: Commodities, Collectibles, Assets” (M Cunningham trans. (2016) 98 *New Left Review* 31.

Corporate and board accountability, as with many of the corporation's narrative routines, simulate patterns of mutual recognition and account-giving between human persons. In recognising each other as moral subjects, and as legitimate holders of fundamental interest, people give and demand accounts regarding their conduct and their desires. Their sense of moral selfhood is developed, enhanced and made manifest through the 'second-personal' standpoints *vis-à-vis* their interlocutors. Their moral sentiments are learned, practiced and enhanced in the accounts that they give.<sup>3</sup>

While corporate account-giving routines may not be sentimental as such, they are motivated by the drive to give accounts of corporate conduct. Whatever strategic motivations are involved, narrative accounts by necessity recognise others' demands for those accounts. This has a number of implications for corporate governance, not least the growing centrality of the drive to both invoke key social norms and to manage the implications of those invocations in turn. Second, it allows senior actors a reassuring outlet for their own moral lives. It turns the corporate narrative back on managerial authority and helps executives maintain a sense of legitimacy as they formulate and pursue the firm's strategic goals.

How business enterprises relate themselves to society – or not – more broadly is a matter of unending and fluid negotiation. The corporate form's conventional routines and formal structures are matters over which a range of actors have "legitimate, substantive claims that deserve recognition".<sup>4</sup> Law and other regulatory forms are in these circumstances not simply 'given' or imposed: they are products of negotiation. They are, as Edelman and Suchman have it regarding law:

... a welter of conflicting principles, imperfect analogies, and ambiguous generalities. Thus, lawyers, judges, enforcers, and target populations negotiate the meaning of law in each application, seeking workable consensus rather than logical certainty.<sup>5</sup>

Social responsibility and its account-giving routines can never in this context be wholly compartmentalised. Corporate actors identify interlocutors and respond to their concerns in situations where they must make demands of other actors – states, employees, suppliers etc – in turn. Law is negotiated – consensus is sought regarding what any aspect of law *means* and its meaning is nothing more than that consensus – in a context where all parties to the negotiation are describing, devising and redevising their relationships in myriad other spheres. The same is true not only with the plurality of institutions within which corporations formulate and pursue their ends, but also of the corporate form itself.

The idea that managerial duties involve little more than the delivery of returns to shareholding principals is untenable, given corporations' fundamentally *social*

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<sup>3</sup>See SL Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Harvard University Press 2006). Also A Smith, *The Theory of Moral Sentiments* (Oxford, 1759).

<sup>4</sup>EW Orts, *Business Persons: A Legal Theory of the Firm* (Oxford University Press 2013) 18.

<sup>5</sup>MC Suchman and LB Edelman, "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition" (1996) 21(4) *Law & Social Inquiry* 903, 932.

roles.<sup>6</sup> The ‘separation of ownership and control’<sup>7</sup> has likewise brought with it a sense of the corporate form being ‘hollowed out’, with non-capitalist interests being subordinated to shareholder value narratives<sup>8</sup>. Policy, in turn, has largely abandoned discussion of the corporate economy to the extent that only narrow shareholder-oriented perspectives on corporate ‘internalities’<sup>9</sup> were entertained in the financial crisis’s wake.<sup>10</sup> This double withdrawal from political economy saw the corporate form articulated as lying within an increasingly ‘disembedded’ global market, largely unavailable for social and moral critique.<sup>11</sup>

While courts have at times seemed to adopt the finance-led view that the corporate form is a shadow puppet for the interests of shareholding principals and their corporate agents,<sup>12</sup> these perspectives either understate or dismiss the fact that the corporate form’s market conduct is inseparable from its social role, even if we were to accept the purely strategic vision of the firm as it pursues investment returns.

That corporate social responsibility initiatives have emerged as key corporate tactics in the context of a ‘disembedded’ global corporate system is no surprise. Perhaps this is less a matter of a ‘neoliberal’ dissolution of social boundaries<sup>13</sup> than it is driven by the corporate form’s inescapably social character. As the environmental and other social impacts of global production have become apparent, global corporations – themselves a ‘target population’ for legislative and other regulatory actors – have sought to articulate and make sense of themselves. Their account-giving activities have extended, in sometimes in collaboration with state and non-state regulatory actors, to their setting out their internal practices, their social impact and their connections to conduct along supply and value chains. Their internal structures as they shift away from hierarchical modes<sup>14</sup> – at least,

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<sup>6</sup>The notion of shareholding principles is the starting point for a vast literature on the ‘financialised’ firm. See MC Jensen and WH Meckling, “Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure” (1976) 3(4) *Journal Of Financial Economics* 305; EF Fama and MC Jensen, “Agency Problems and Residual Claims” (1983) 26(2) *Journal of Law and Economics* 327; EF Fama and MC Jensen, “Separation of Ownership and Control” (1983) 26(2) *Journal of Law and Economics* 301.

<sup>7</sup>A Berle and G Means, *The Modern Corporation and Private Property* (Macmillan 1932)

<sup>8</sup>For a longer discussion see C O’Kelly, “Corporate Governance as a School of Social Reform” (2013) 36(2) *Seattle University Law Review* 973.

<sup>9</sup>C O’Kelly and S Wheeler, “Internalities and the Foundations of Corporate Governance” (2012) 21(4) *Social & Legal Studies* 469

<sup>10</sup>See also A Dignam, “The Future of Shareholder Democracy in the Shadow of the Financial Crisis” (2013) 36(2) *Seattle University Law Review* 639.

<sup>11</sup>K Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Beacon Press 1944).

<sup>12</sup>See *Burwell v Hobby Lobby Stores, Inc* 13-354. For a discussion supporting the US Supreme Court’s position, see AJ Meese and NB Oman, “Hobby Lobby, Corporate Law, and the Theory of the Firm” (2014) 127(7) *Harvard Law Review* 273.

<sup>13</sup>As R Shamir, “Corporate Social Responsibility: Towards a New Market-Embedded Morality” (2008) 9(2) *Theoretical Inquiries in Law* 371, has it.

<sup>14</sup>Boltanski and Chiapello (see n. 2).

at head office – but continue to wield enormous social power. How, in this context, are corporate officers both to argue for corporate autonomy and to reassure themselves regarding their own authority and social power. CSR sits precisely within the tensions between global corporate actors seeking to maintain their autonomy and authority and their officers’ quest for a distinctly ‘re-embedded’ social and moral context for their activities.

## A narrative self

While corporate social responsibility narratives locate responsibility and accounting on the (more) comfortable territory of private regulation, it does bring with it the idea that corporate actors ought to be active in alleviating harms that would once have been deemed the remit of the state. For Ronen Shamir, the corporation’s increasingly governmental role reflects the the boundary between state and market being dissolved.<sup>15</sup> For others it involves a rebalancing of the ongoing negotiation of corporate authority between corporations and other actors. When corporate actors seek to retreat into legal and technical rationalisations of their conduct, state and non-state activism draws them back towards negotiating on moral grounds.<sup>16</sup>

If we are to understand CSR and its constituent parts we must attend to how, by virtue of its seeking to articulate a context for its activities, the corporate form articulates key components of moral selfhood, even if not in the same way as human actors do. The corporation demands recognition of its moral claims. It articulates a ‘consciousness’ of its place in the plurality of institutions through which it engages with the world. In defining its responsibilities it recognises others’ rights to demand accounts in turn.

The narrative form plays a crucial role in the delivery of such accounts. The fact of narrative is important in itself. While narrative and moral identities may or may not be central to human moral sentiments,<sup>17</sup> narrative is a primary tool in the fabrication of *corporate* persons. Human lives may be “chancy and incomplete”,<sup>18</sup> and we recognise human subjectivity even when narrative is absent. The corporate form has no other avenue to articulating its moral agency<sup>19</sup> and its standpoints excepting through the narrative forms. This narrativity ought to be our entry into corporate reporting. It articulates a sense of agency, whether

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<sup>15</sup>Shamir (see n. 13) 373ff.

<sup>16</sup>For instance B Holzer, *Moralizing the Corporation: Transnational Activism and Corporate Accountability* (Edward Elgar 2010) esp 114ff.

<sup>17</sup>See C Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge University Press 1989); for a more recent discussion see K Atkins, *Narrative Identity and Moral Identity* (Taylor & Francis 2010).

<sup>18</sup>S Vice, “Literature and the Narrative Self” (2003) 78(01) *Philosophy* 93, 107.

<sup>19</sup>For a ‘realist’ perspective on corporate agency, see C List and P Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford University Press 2011); also P Pettit, “Group Agents Are Not Expressive, Pragmatic or Theoretical Fictions” (2014) 79(9) *Erkenntnis* 1641



by design or not and whether or not the language of ‘market moralities’ - social licenses to operate, legitimacy as ‘reputational risk management’<sup>20</sup> and such like – obscure narrative’s inherently moral character.

Beyond the reassurance that accountability mechanisms give to investors, states and other stakeholders, they also reassure senior officers regarding their place and their conduct. Rituals and repetitions in corporate speech that are linked to offices and roles are also oriented towards internal reassurance. They have *self*-legitimizing force. Harms that arise in pursuit of corporate goals can be justified through references to the (perceived) corporate purpose and so understood as matters of ‘moral luck’ as opposed to their having any implications for senior officers’ moral identities.<sup>21</sup> Legitimation is, in this view, “important to rulers for the cultivation of their own identification, *quite apart from any conventionally instrumental function it may have*”.<sup>22</sup>

Social action is as such underpinned by tiers of moral sense-making<sup>23</sup> and enables office-holders to develop, maintain and share as sense of their own authority as legitimate. It also gives them a grounding for their expectations that others should accede to their authority. Corporate conduct, in terms of it is negotiated and understood, needs to *make sense* to insiders. The corporate narrative and the human actors it supports feed off each other’s moral standpoints and claims as a result.

## A role for rights

Human rights play an important role in this dynamic, primarily because they can function in two directions at once. First, they fit within the justificatory and self-legitimizing narratives that are crucial to conduct within corporate entities. Second, they have been made available for articulation within existing corporate

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<sup>20</sup>See J Bebbington, C Larrinaga, and JM Moneva, “Corporate Social Reporting and Reputation Risk Management” (2008) 21(3) Accounting, Auditing & Accountability Journal 337; J Bebbington, C Larrinaga-González, and JM Moneva, “Legitimizing Reputation/The Reputation of Legitimacy Theory” (2008) 21(3) Accounting, Auditing & Accountability Journal 371; also M Power, “The invention of operational risk” (2005) 12(4) Review of International Political Economy 577; M Power, *Organized Uncertainty: Designing a World of Risk Management* (Oxford University Press 2007); M Power et al., “Reputational Risk as a Logic of Organizing in Late Modernity” (2009) 30(2-3) Organization Studies 301.

<sup>21</sup>On moral luck, see B Williams, “Moral Luck” (1976) 50 Proceedings of the Aristotelian Society, Supplementary Volumes 115.

<sup>22</sup>R Barker, *Legitimizing Identities: The Self-Presentations of Rulers and Subjects* (Cambridge University Press 2001) 137 [my emphasis].

<sup>23</sup>On organisational sense-making, see KE Weick, *Sensemaking in Organizations* (SAGE Publications May 31, 1995); also KE Weick, “Reflections on Enacted Sensemaking in the Bhopal Disaster” (2010) 47(3) Journal of Management Studies 537; KE Weick, KM Sutcliffe, and D Obstfeld, “Organizing and the Process of Sensemaking” (2005) 16(4) Organization Science 409; KE Weick and KH Roberts, “Collective Mind in Organizations: Heedful Interrelating on Flight Decks” (1993) 38(3) Administrative Science Quarterly 357; RP Hummel, “Stories Managers Tell: Why They Are as Valid as Science” (1991) 51(1) Public Administration Review 31.

account-giving registers. There is a long history of ideas of respect, dignity recognition and moral imagination being articulated through the prism of rights.<sup>24</sup> Recognition of the kinds of claims that people might have and their “distinctive authority to hold others answerable for violations of their rights”<sup>25</sup> introduces the possibility of ‘reactive attitudes’<sup>26</sup> being introduced in organisations in ways that they might not otherwise be.

The corporate turn to rights has been facilitated in part by the rights regimes being negotiated in ways that have made rights available to the standard accounting discourses of the corporate form. Law role as ‘dignity’s habitat’<sup>27</sup> is key, but so is its reassuring availability as a (notionally) external presence. Opportunities emerge for conventions about laws meaning and form to be translated into measurable and transferable managerial imperatives. The ‘organisational internalisation’ of law<sup>28</sup> is as much about how law’s authority might be invoked as it is about its content. *Corporate accountability* and *organisational legibility* go hand-in-hand.<sup>29</sup>

The emergence of global regulatory standards, whether through the Guiding Principles or through such sector-oriented regulations as the Voluntary Principles on Security and Human Rights, the Extractive Industries Transparency Initiative<sup>30</sup> or the Equator Principles,<sup>31</sup> emerge from on the availability of human rights to narratives of legibility. These narratives are locked up in accounting measures and ‘benchmarking’. Norms can, from there be subsumed into ideas of corporate performance. The key to business & human rights, at least from the corporate side, is therefore that they are both normatively-laden *and* measure-friendly.<sup>32</sup>

<sup>24</sup>See L Hunt, *Inventing Human Rights* (Norton & Company 2007). For a recent normative account on dignity and rights, see J Waldron et al., *Dignity, Rank & Rights* (M Dan-Cohen ed., Oxford University Press 2012).

<sup>25</sup>SL Darwall, *Morality, Authority, and Law: Essays in Second-Personal Ethics I* (Oxford University Press 2013) 30.

<sup>26</sup>See Darwall, *The Second-Person Standpoint* (see n. 3); PF Strawson, “Freedom and Resentment” in PF Strawson (ed.), *Freedom and Resentment and Other Essays* (Methuen & Co, Ltd 1974).

<sup>27</sup>Waldron et al. (see n. 24) 134.

<sup>28</sup>LB Edelman and MC Suchman, “When the ‘Haves’ Hold Court: Speculations on the Organizational Internalization of Law” (1999) 33(4) *Law & Society Review* 941; also LB Edelman and MC Suchman, “The Legal Environments of Organizations” (1997) 23 *Annual Review of Sociology* 479; Suchman and Edelman (see n. 5).

<sup>29</sup>On legibility, albeit in the context of statehood, see JC Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale University Press 1998).

<sup>30</sup>See for instance C Kaeb, “Emerging Issues of Human Rights Responsibility in the Extractive and Manufacturing Industries: Patterns and Liability Risks” (2008) 6(2) *Northwestern Journal of International Human Rights* 327.

<sup>31</sup>Shamir (see n. 13); R Harris, “Another Look at the Equator Principles: A Historical and Economic Perspective: A Comment on: “Corporate Social Responsibility: Towards a New Market-Embedded Morality?” by Ronen Shamir.” (2008) 9(2) *Theoretical Inquiries in Law Forum* 59; JM Conley and CA Williams, “Global Banks as Global Sustainability Regulators?: The Equator Principles” (2011) 33(4) *Law & Policy* 542.

<sup>32</sup>On which, see for instance Measuring Business & Human Rights Project, *List of Tools and Ini-*



The United Nations Global Compact and – even more so – the Guiding Principles have been criticised on grounds of their timidity with respect to business’s role in preventing human rights abuses. Timidity alone would not produce corporate engagement however: it is likely that both the normative appeal of human rights – the expectation that corporate actors should have regard for them – and their codifiable character were salient. The journey through Global Compact and onwards to the Guiding Principles involved a negotiation between the regime’s authors and its ‘target populations’.<sup>33</sup> From there corporate actors have turned to the task of generating conventions of legibility around human rights, through standard narratives of benchmarks, performance measures and targets. The Corporate Human Rights Benchmark,<sup>34</sup> for instance, is justified by the corporate leaders reportedly suggesting that ‘performance benchmarks’ would assist them in integrating human rights concerns in their businesses.<sup>35</sup> This reflects not only the precepts of corporate accounting technologies, but the utility of human rights narratives in neatly fitting those technologies.

Invoking rights claims are as a result very effective as a means of recognising and justifying a corporation’s social impact. This in turn helps reassure corporate insiders about their offices, authority and roles.<sup>36</sup> Moral claims speak inwards as much as they speak out and legitimisation’s audience is just as likely to be those claiming legitimacy as it is those to whom they speak. CSR rituals, in this case through the invoking of human rights, work to help corporate officers devise a meaning for their authority and, from there, to project it on the subjects of their power.

The next section examines the ways in which the dual nature of human rights, sitting between normativity and legibility, have been brought to the fore in corporate reporting. I build on the discussion above to point to some routes that corporate actors take to articulating their standpoints with regard to human rights. Variation in approaches reflects the useful ambiguity of human rights when it

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*tatives Featuring Business and Human Rights Indicators* (Report, London School of Economics 2014) ([http://blogs.lse.ac.uk/businesshumanrights/files/2013/11/MBHR\\_List-of-initiatives-featuring-indicators\\_12-Nov-2014.pdf](http://blogs.lse.ac.uk/businesshumanrights/files/2013/11/MBHR_List-of-initiatives-featuring-indicators_12-Nov-2014.pdf)) visited on October 10, 2016; Oxfam, “Beyond the Brands - Company Scorecards” (2016) (<http://www.behindthebrands.org/en-gb/company-scorecard>) visited on October 10, 2016; see also S Labowitz and D Baumann-Pauly, *Beyond the Tip of the Iceberg: Bangladesh’s Forgotten Apparel Workers* (, NYU Stern Center for Business and Human Rights 2015) (<http://bhr.stern.nyu.edu/s/Beyond-the-Tip-of-the-Iceberg-Report.pdf>) visited on October 10, 2016.

<sup>33</sup>Suchman and Edelman (see n. 5); Edelman and Suchman, “The Legal Environments of Organizations” (see n. 28).

<sup>34</sup>Business and Human Rights Resource Centre and Institute for Human Rights and Business, “Corporate Human Rights Benchmark” (2016) (<https://business-humanrights.org/en/corporate-human-rights-benchmark>) visited on October 10, 2016.

<sup>35</sup>Economist Intelligence Unit, *The Road from Principles to Practice: Today’s Challenges for Business in Respecting Human Rights* (, The Economist 2015) ([https://www.dlapiper.com/~media/Files/Insights/Publications/2015/03/Challenges\\_for\\_business\\_in\\_respecting\\_human\\_rights.pdf](https://www.dlapiper.com/~media/Files/Insights/Publications/2015/03/Challenges_for_business_in_respecting_human_rights.pdf)) visited on October 16, 2016.

<sup>36</sup>Barker (see n. 22).

comes to corporate agency.

## Method

Approaches and tools from corpus linguistics allow us to deepen our understanding of corporate approaches to human rights. Premised on the idea that “you shall know a word [or phrase] by the company it keeps”<sup>37</sup>, collocation as a phenomenon highlights the manner in which meanings emerge from the ways in which words and phrases ‘attract and repel’ each other.<sup>38</sup> Meaning is in other words understood through neighbourhood.

The phrase ‘human rights’ in itself is a classical product of collocation. People understand the phrase in its context, and neighbouring words and phrases are in turn allowed to absorb the substantial normative and social content that rights project. Collocated words clarify a phrase’s utilisation in speech. Our understandings of trigrams like ‘human rights law’ or ‘human rights activism’ differ, say, from our understanding of ‘human rights industry’ or ‘human rights brigade’.<sup>39</sup> Even non-contiguous collocates can clarify the political and social uses to which human rights are to be put.<sup>40</sup>

Mutual information approaches to collocates focus on the accumulation of information as words build in a sequence.<sup>41</sup> Church and Hanks’s psycholinguistic approach, for instance, emphasises the roles that word association routines play in ‘lexical retrieval’ – that is in people’s capacity to predict following words from those that come before.<sup>42</sup> Mutual information does not vary according to word-frequencies alone. Common words like ‘the’ provide less information for lexical retrieval than less common words do.

All in all corporate responsibility reports involve the acquisition of turns of phrase that assist first in the self-legitimizing and justificatory narratives within which office-holders can embed their endeavours. They express the corporate standpoints that account for (readings of) expectations on key audiences’ parts. By necessity the reports lead corporate actors into the territory of norms, demanding of them commitments and expressions that recognise the corporation’s

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<sup>37</sup>JR Firth, “A Synopsis of Linguistic Theory 1930–1955” in *Studies in Linguistic Analysis* (Blackwell 1957) 11.

<sup>38</sup>For a discussion see G Barnbrook, O Mason, and R Krishnamurth, *Collocation: Applications and Implications* (Palgrave Macmillan 2013) 164ff.

<sup>39</sup>See L Gies, *Mediating Human Rights: Media, Culture and the Human Rights Act* (Google-Books-ID: JPcABAAQBAJ,, Routledge July 11, 2014) 99.

<sup>40</sup>For instance E Shor, “Utilizing Rights and Wrongs: Right-Wing, the “Right” Language, and Human Rights in the Gaza Disengagement” (2008) 51(4) *Sociological Perspectives* 803.

<sup>41</sup>Barnbrook, Mason, and Krishnamurth (see n. 38) 67f.

<sup>42</sup>See KW Church and P Hanks, “Word Association Norms, Mutual Information, and Lexicography” (1990) 16(1) *Comput Linguist* 22; for other methodological discussions see for instance D Biber, “Representativeness in Corpus Design” (1993) 8(4) *Literary and Linguistic Computing* 243; D Biber, “Co-Occurrence Patterns Among Collocations: A Tool for Corpus-Based Lexical Knowledge Acquisition” (1993) 19(3) *Computational Linguistics* 531.

social impact and others' entitlements to demand accounts.<sup>43</sup>

The reports also reveal corporate codification dynamics, second, in ways that seek to articulate those normative commitments in the context of conventional account-giving styles. How meanings emerge in these reports is a product of both the normative expectations (as insiders understand them) and the draw of these account-giving styles. Human rights narratives do not as such have clear or stable referends: they are negotiated and assembled in the reports themselves. Mutual information measures assist us in clarifying what these negotiation and assembly processes produce.

This paper aims as such to clarify the range of meanings that are attached to human rights in corporate reports. A mutual information score was calculated for words occurring within a six word 'window' on either side of the phrase 'human rights' in 300 corporate social responsibility reports published by global oil, gas and mining firms from 1998 until 2015 (see Table 1). Firms were chosen either as constituent members of the FTSE100 or because of their position in either PWC's 2015 Mine report<sup>44</sup> or IHS's 'Energy 50' report 2014.<sup>45</sup> Reports included were core group CSR report documents. Other reports and webpages were excluded.

Region	Firm	Years
UK (listed)	Anglo-American	2003-2015
	Antofagasta	2006-2014
	BP	1998-2015
	BG	2001-2014
	BHP Billiton	2001-2015
	Glencore	2011-2014
	Randgold	2012-2015
	Royal Dutch Shell	1998-2015
	Rio Tinto	2006-2015
North America	Barrick	2002-2014
	Chevron	2002-2014
	ConocoPhillips	2005-2006; 2008 2012-2014
	ExxonMobile	2002-2014
	Freeport-McMoran	2008-2014
	Goldcorp	2005-2008; 2012-2014
	Mosaic	2013-2014
	Newmont	2012-2015
	Occidental	2013

<sup>43</sup>Darwall, *The Second-Person Standpoint* (see n. 3).

<sup>44</sup>PWC, *Mining* (Report, PWC 2015) (<http://www.pwc.com/gx/en/industries/energy-utilities-mining/mining/publications/top-40-mining-companies.html>) visited on October 10, 2016.

<sup>45</sup>IHS, *Energy 50* (Report, IHS 2014) ([https://www.ihs.com/pdf/IHS-Energy-50-Final-2014\\_209412110913052332.pdf](https://www.ihs.com/pdf/IHS-Energy-50-Final-2014_209412110913052332.pdf)) visited on October 10, 2016.

Region	Firm	Years
	Potash Corp Schlumberger	2010-2014 2014
Europe (excepting UK & Russia)	EDF Eni Total	2009-2013 2006-2014 2004-2014
South America	Ecopetrol Petrobras Vale	2009; 2012-2013 2007-2013 2006-2014
China	China Coal Energy CSEC CNOOC PetroChina Sinopec Yitai Coal	2013-2015 2007-2015 2007-2014 2001-2014 2006-2014 2010-2011
Russia	Gazprom  Norilsk Nickel Rosneft	2005-2009; 2011-2014 2004-2014 2006-2008; 2014

Table 1: Corpus by region, firm & dates

## Technical note

Text was extracted using *pdfbox*, an open source Java tool for working with pdf files.<sup>46</sup> The documents were then loaded into the R statistical programming language for the purpose of text mining,<sup>47</sup> using the *Quanteda* package in particular.<sup>48</sup> Mutual information functions are contained in the *CollocateR* package.<sup>49</sup> Punctuation and numbers were removed. Although they are unlikely to attract high mutual information scores, ‘stopwords’ were also removed. This decision aimed to enhance the efficiency with which the text might be processed.<sup>50</sup> The

<sup>46</sup>Apache Foundation, *Pdftbox* (2016) (<https://pdftbox.apache.org/>) visited on October 10, 2016.

<sup>47</sup>R Core Team, *R: A Language and Environment for Statistical Computing* (R Foundation for Statistical Computing 2016) (<http://www.R-project.org/>) visited on May 9, 2015.

<sup>48</sup>K Benoit and P Nulty, *Quanteda: Quantitative Analysis of Textual Data*. (2016) (<https://CRAN.R-project.org/package=quanteda>) visited on October 10, 2016.

<sup>49</sup>C O’Kelly, *collocateR: Functions Associated with a Corporate Governance Text Mining Project* (2016) (<https://github.com/cokelly/collocateR>) visited on October 10, 2016.

<sup>50</sup>The *Quanteda* package supplies the following stopwords: a; about; above; after; again; against; all; am; an; and; any; are; aren’t; as; at; be; because; been; before; being; below; between; both; but; by; can’t; cannot; could; couldn’t; did; didn’t; do; does; doesn’t; doing; don’t; down; during; each; few; for; from; further; had; hadn’t; has; hasn’t; have; haven’t; having; he; he’d; he’ll; he’s; her; here; here’s; hers; herself; him; himself; his; how; how’s; i; i’d; i’ll; i’m; i’ve; if; in; into; is; isn’t; it; it’s; its; itself; let’s; me; more; most; mustn’t; my; myself; no; nor; not; of; off; on;

processed corpus consisted of 7,948,180 words after numerals, punctuation and stopwords were removed.

Mutual information measures assign high scores to uncommon words by virtue of their scarcity alone. Where specified, the collocation ranking process involved the exclusion of words and phrases that occurred three or fewer times therefore, in order to avoid skewed results. In a sense the aim is to decide how key words *behave* through analysis of neighbouring words.<sup>51</sup>

Rankings were assigned according to a pointwise mutual information score,<sup>52</sup> calculated as  $pmi(x; y) \equiv \log \frac{p(x;y)}{p(y)}$  where  $p(x;y)$  is the probability of  $x$  and  $y$  co-occurring and  $p(y)$  is the probability of  $y$  – ‘human rights’ – occurring on its own. For the purposes of some exercises, words were categorised manually according to set criteria. The resulting collocates provide inform regarding meanings assigned to human rights and deepen our sense of the role that human rights play in the relevant reports. With the scores normalised, we would expect a word that co-occurs with each mention of human rights and that is nowhere else in the text to receive a score of 1. A word that did not co-occur would receive a score of -1, with 0 meaning no relationship.

## Findings

In order to clarify this approach’s value let us examine BP’s 2015 sustainability report. The report contains 57 mentions of the words ‘human rights.’ Table 2 highlights the difference between frequency and a normalised pointwise mutual information score. This table contains a rank ordering of the top 20 words collocated with ‘human rights’ in BP’s 2015 words, ranked first by concordance frequency and second by mutual information score (only concordances occurring three times or more were included).

The mutual information ranking provides words that are more likely to give a sense of the lexical uses towards which ‘human rights’ are being put. That is, neighbouring words clarify rights and are clarified in turn context. So, while the top-ranking words recur according to both measures, words like ‘community’ and ‘information’, alongside the BP name itself, are less informative in the context of human rights mentions in the 2015 report than are such words as ‘forums’ and

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once; only; or; other; ought; our; ours; ourselves; out; over; own; same; shan’t; she; she’d; she’ll; she’s; should; shouldn’t; so; some; such; than; that; that’s; the; their; theirs; them; themselves; then; there; there’s; these; they; they’d; they’ll; they’re; they’ve; this; those; through; to; too; under; until; up; very; was; wasn’t; we; we’d; we’ll; we’re; we’ve; were; weren’t; what; what’s; when; when’s; where; where’s; which; while; who; who’s; whom; why; why’s; with; won’t; would; wouldn’t; you; you’d; you’ll; you’re; you’ve; your; yours; yourself; yourselves.

<sup>51</sup>See S Hunston, *Corpus Approaches to Evaluation: Phraseology and Evaluative Language* (Routledge 2011) 70ff.

<sup>52</sup>See G Bouma, “Normalized (Pointwise) Mutual Information in Collocation Extraction” [2009] Proceedings of GSCL 31 (<https://svn.spraakdata.gu.se/repos/gerlof/pub/www/Docs/npmi-pfd.pdf>) visited on October 7, 2016.

‘grievance’. Human rights are amenable to forums and forums provide spaces within which rights might be operationalised. Communities framed and indeed created as rights-holders are significant<sup>53</sup> and so rights inform how communities appear in the corporate imagination. Community is somewhat less effective in lending new information to the concept of rights however. ‘Forums’ are more likely to co-occur with human rights than it is to occur elsewhere in the report.

Word	Frequency Rank	NPMI Rank	Word	Frequency Rank	NPMI Rank
Security	1	2	Principles	2	1
Principles	2	1	Security	1	2
Policy	3	5	Guiding	19	3
BP	4	46	Labour	14	4
Issue	5	18	Policy	3	5
Report	6	29	Clauses	31	6
Suppliers	7	17	Forums	32	7
Community	8	26	Commitment	10	8
Business	9	34	Rights	11	9
Commitment	10	8	Welfare	33	10
Rights	11	9	Voluntary	15	11
Work	12	31	Discussed	34	12
Workforce	13	24	Grievance	35	13
Labour	14	4	UN	16	14
Voluntary	15	11	Supply Chain	20	15
UN	16	14	Shipping	36	16
Information	17	28	Suppliers	7	17
Guiding	18	3	Issue	5	18
Supply Chain	19	15	Respect	37	19
Code	20	23	Contracts	38	20

Table 2: Human rights concordance: frequencies & mutual information ranked, BP 2015

More generally, while words like risk seem to be key to our understanding of how human rights are treated in the corporate context, at times they do not score highly in a mutual information measure as collocates with rights. Certainly the extension of operational risk management as a marker of governance means that corporate approaches to human rights issues would draw on narratives of risk and so rights clarify the idea of what might be amenable to risk management (alongside environmental, social, financial risk etc). Risk management lends a

<sup>53</sup>See D Rajak, *In Good Company* (Stanford University Press 2011).



sense of proactive engagement and procedural attention to the firm’s invocation of human rights. So for instance, BP’s 2015 Sustainability Review refers to the firm’s “identifying and addressing human rights risks and impacts.” The report also sets out BP’s endeavour to “more efficiently identify, address and report on human rights risks in the supply chain.”<sup>54</sup> In this context, human rights are parsed as governable through risk management, becoming simultaneous signals of corporate self-legitimation and one more subject for familiar corporate auditing routines.

Risk management has certainly driven profound changes in how the ‘governance of corporate governance’ ought to be imagined.<sup>55</sup> As a consequence the term recurs with enormous frequency through more recent social responsibility and sustainability reports. While for instance ‘risk’ is ranked at 12th for human rights ‘trigrams’<sup>56</sup> in aggregated BP’s reports from 2005-2015 (consisting of 283 mentions of rights), it ranks only 30th for Royal Dutch Shell over the same period and 32nd for ExxonMobile: rights and risk are mutually informative although rights work more to inform risk than risk does the other way around.

Figure 1 plots mentions of human rights and of risk in BP’s CSR reports from 1998 until 2013, with each vertical stripe marking a mention of the words and the horizontal strips visualising each report.<sup>57</sup> While mentions of human rights have increased over time on the whole (although in the context of increasing report lengths) what is most notable is the emergence of a dedicated section for human rights in recent years. When it comes to risk, however, recent years have seen it become ubiquitous. Human rights is a matter of risk, but only because *everything* has come to be about risk. So while risk itself and its contexts might be informative, and are certainly linked to the kinds of self-legitimation rituals discussed above,<sup>58</sup> the concept does not help us clarify any unique role that human rights might play in the corporate narrative.

Trigrams associated with the term human rights play a useful role in clarifying the term. A manual coding exercise was conducted in order to examine trigrams across ten years of reports for 12 firms. The results are summarised in figure 2.

The dominant category relates to firms treating human rights as normative artefacts. Beyond that, with some variation, human rights trigrams are dominated by action and governance words. So human rights are ‘corporate’ or are supported by training. Where there is some variation is in the kinds of words that are employed by different firms to clarify their stances. Take negative terms for instance. Table 3 sets out terms associated with eight oil and mining firms.

<sup>54</sup>BP 2015, Sustainability Report 52 (<https://www.bp.com/content/dam/bp/pdf/sustainability/group-reports/bp-sustainability-report-2015.pdf>) visited October 10, 2016.

<sup>55</sup>See Power, “The invention of operational risk” (see n. 20); Power, *Organized Uncertainty* (see n. 20); Power et al. (see n. 20).

<sup>56</sup>That is, where, stopwords aside, risk directly neighbours human rights.

<sup>57</sup>On lexical dispersion plots, see S Bird, E Klein, and E Loper, *Natural Language Processing with Python* (O’Reilly 2009).

<sup>58</sup>Barker (see n. 22).

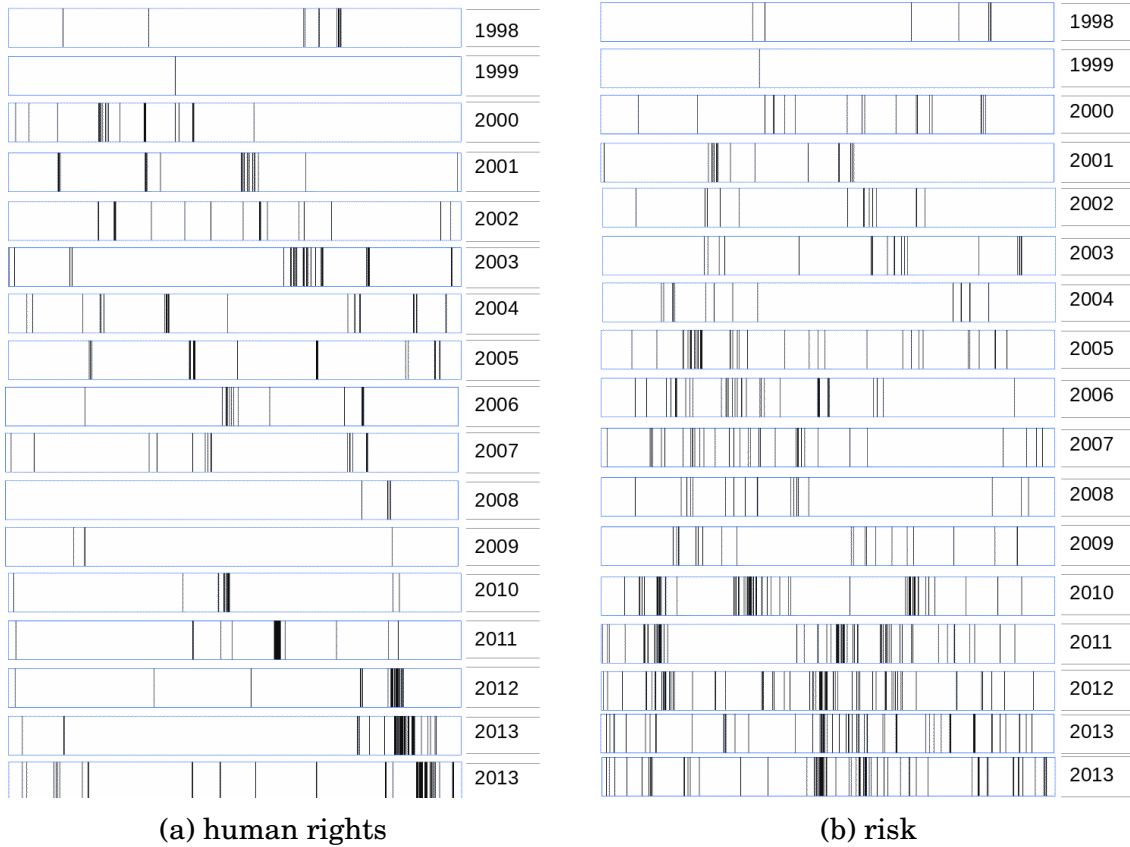


Figure 1: Presence of "human rights" and "risk" in BP reports 1998-2015

We ought perhaps to take note of the fact that complicit/complicity scores highly as a trigram with human rights, reflecting Principle 2 of the United Nations Global Compact, that businesses should “make sure that they are not complicit in human rights abuses.”<sup>59</sup> This in itself reflects the two-way narrative between corporate entities and regulatory regimes over rights, and the important role that rights play as moral and codifiable artefacts.

Table 3: Negative trigrams with human rights

<b>BP (283)</b>	<b>RDS (200)</b>	<b>Chevron (179)</b>	<b>ExxonMobile (474)</b>
abuses	violations		abuses
complicity	abuses		violations
challenged	forbid		critical
dismissals	poor		emissions
laundering	violates		force
tension	abuse		violate
corruption	accusations		adverse

<sup>59</sup><https://www.unglobalcompact.org/what-is-gc/mission/principles>.

	avoid		concerns
	negative		difficult
	violation		
<b>Petrobras (241)</b>	<b>PetroChina (52)</b>	<b>Statoil (250)</b>	<b>Total (214)</b>
abuses	complicit	complicit	violations
complicit		concerns	complicit
concerns		violation	corruption
violation		violations	criticized
prohibition		adverse	exception
spill		breaches	violated
violations			
breakdown			
diseases			
disrespect			

Note however that Royal Dutch Shell uses the language of complicity only once across its ten years of reports. That is, when it mentioned its settlement with Families of Ken Sara-Wiwa and others in its 2009 report. At this point it said that it had been “falsely alleged to have been complicit in the men’s deaths.”<sup>60</sup> Note also that across 179 mentions of human rights across ten years of reports, Chevron did not use language coded as negative once, while PetroChina only employed the term ‘complicit’ as a trigram with human rights.

This has a bearing on how the concept of human rights behaves and thus the interpretations it makes available of both itself and of other words. The firm’s relationship to human rights is evaluated and clarified through its neighbouring such words. We see a turn to two broad modes of negativity: words like ‘abuse’, ‘violate’, ‘breach’ and indeed ‘complicit’. In general, these are linked to reassurance that governance structures are in place to avoid an association between the firm and the concepts they represent. Similarly words like ‘corruption’, in BP’s and Total’s cases point to fields of operation while words like ‘emissions’ and ‘spill’ encourage us to evaluate energy firms’ approaches to human rights in the contexts of their operations. All in all, directly neighbouring words (at times mediated by stopwords) give us a sense of how corporate actors themselves seek to make sense of human rights. These phrases illustrate them *putting human rights to work*.

Extending beyond relatively narrow single words, it is also useful to examine the kinds of phrases that recur in collocation with human rights. Relevant phrases for different oil companies are contained in the Appendix below. The important overall insight from such phraseology is the manner in which firms come to an understanding of their position and articulate themselves through repetition. It is here that we can see the dual role of human rights most starkly.

<sup>60</sup><http://www.shell.com/content/dam/shell/static/investor/downloads/financial-information/reports/2009/2009-shell-sustainabilityreport.pdf>.

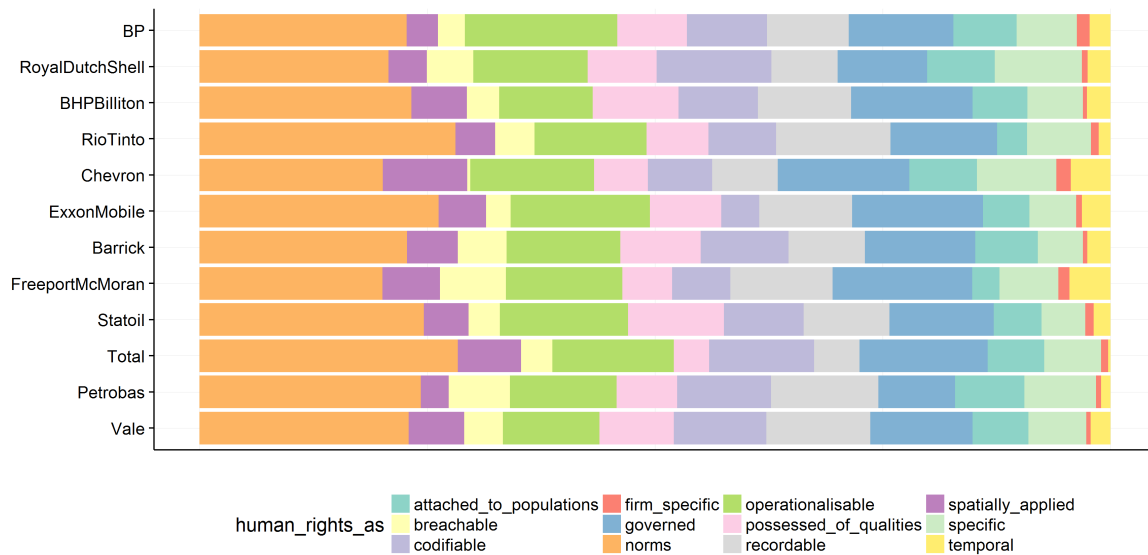


Figure 2: Human rights trigrams 2006-2015

The phrases are ranked by time and company. Each phrase was repeated at least three times. Given this blank fields reflect a lack of repetition rather than a complete lack of engagement on the firm's part. Repetition rituals are significant in pointing towards the firm's priorities in presenting the conceptual work they are engaged in in articulating a meaning for rights.

It is perhaps no surprise that the tables are dominated by references to United Nations Guiding Principles, the Voluntary Principles on Security and Human Rights and other benchmarks and codes. As discussed above externally articulated standards play an important function in corporations' evaluations of their conduct. They reassure corporate actors in acting towards the standards and liberate them from decision-making about how, in speech and action, they ought to formulate their processes and priorities. This does not mean that they simply 'receive' the standards as a given: as the process around the Guiding Principles suggest, corporations have been very much active in how rights are to be conceptualised through the various standards that they adopt.

So how rights ought to be understood is outsourced to a degree. That said, we ought to have regard for the fact of the outsourcing itself. Rights are articulated in this context as embedded in relationships with non-state actors, with processes of codification and with availability to audit. Repeated references to external codes articulate rights as *measurable* and thus amenable to audit, governance and comparisons on performance. Corporate human rights responsibilities are in this context configured as amenable to familiar modes of knowledge-creation, comparative analysis. They also reassure senior officers in their authority, not least over corporate engagement with corporate responsibility itself, by permitting the generation of links between corporate metrics and patterns of esteem.

Rather than being total, such links are shaped in the context of other social, political and other expectations, relating to profit, share value and, in the context of mineral and hydrocarbon-based commerce, on home state geopolitical concerns.

What rights are to mean in this context is a matter of how their place is negotiated against the ‘multiple, diverse and often conflicting’ expectations through which the corporate form is to enacted. Recognition itself is to be recognised through existing corporate conventions of measurement and design. Normativity does not cease to be normativity but its visions are narrowed and managed as account-giving technologies permit.<sup>61</sup>

## BP, Royal Dutch Shell, Statoil, Total

It is also worth noting some regional variation in how business phraseology clarifies human rights. The Table 3 reveals that BP and Royal Dutch Shell – both FTSE100-listed companies – employ broadly similar phrases. They focus almost exclusively on external codes and standard and on references to governance protocols. Early BP and Shell reports did engage with norms through their reference to human rights as subject to ‘protection’, ‘commitment’ and ‘understanding.’ On understanding human rights, Board Chair Mark Moody-Stuart wrote:

I am pleased with our progress in *understanding human rights issues and their relevance to our business*. We have received considerable help and support from respected experts and human rights organisations. This has led to the production of a practical guide to human rights that is being distributed to Shell companies world-wide. You can get the guide directly from our website ([www.shell.com](http://www.shell.com)) together with supporting material. A guide on combating bribery and corruption is being prepared.<sup>62</sup>

Further on, the report states that refers to the firm’s human rights guide, stating that:

... the booklet, written with the help of independent experts, helps in the understanding of human rights, its history, vocabulary and *the dilemmas that a belief in such rights can pose*.

It is designed to help Group companies discuss their roles and responsibilities in understanding and supporting human rights.<sup>63</sup>

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<sup>61</sup>Scott (see n. 29).

<sup>62</sup>Royal Dutch Shell plc, *People, planet & profits: an act of commitment* (CSR report, Royal Dutch Shell 1999) 3 (emphasis is mine); see also SM Livesey and K Kearins, “Transparent and Caring Corporations? A Study of Sustainability Reports by the Body Shop and Royal Dutch/Shell” (2002) 15(3) *Organization & Environment* 233 (<http://oae.sagepub.com/content/15/3/233>) visited on June 3, 2016.

<sup>63</sup>Royal Dutch Shell plc (see n. 62) 17 (emphasis is mine).

Finally, the report states that “We have acted to ensure that we improve our understanding of human rights and behave in accordance with our commitments. Over the past year we have made good progress (summarised on these pages), but we continue to face challenges and dilemmas.” The report goes on to discuss child labour in the sugar cane industry, but confesses that “Shell Brasil would like to see an end to the use of children in the sugar cane industry. In this instance, it is difficult for us to take action because we have no direct control of the farmers.”<sup>64</sup> The proposed remedy turns to familiar CSR activities: investment in jobs and education.

The report then turns to what rights might mean:

The term Human Rights has many meanings to different people. A big challenge for companies is to understand how it relates to them in practice and to have that view shared broadly. This will enable managers to understand the issues, set priorities and targets, measure their performance and report on progress.

The subject, as a business issue, is relatively new and there are no established management models. To overcome this we are developing a human rights and business responsibilities ‘map’. Based on our Business Principles it starts with the most fundamental human right – the right to life. This is at the heart of our responsibilities as an employer – the health and safety of our staff. The first orbit covers other clear employer responsibilities such as those covered by the ILO declaration, fair remuneration, equal opportunity, personal development. The map moves out through security policy into community rights, then national rights, to the broad area of speaking out on human rights. The process of engagement underpins the framework and is essential to its success.<sup>65</sup>

This last point blends a series of moral statements regarding ‘fundamental’ rights obligations, employer responsibilities – the workforce being far more governable than institutionally distant farmers – and processes of engagement. Mixed in with this is reference to policy and to targets and measurement. It is in short a call to an interpretation of human rights ‘*in practice*’ which itself demands that rights as social phenomena be reframed in the context of management and governance.<sup>66</sup>

The role that ‘understanding’ plays vis-à-vis human rights is perhaps best illustrated through its use in Shell’s 2015 sustainability report, some 16 years later. Of 15 mentions of understanding in 2015, 7 referred to the development

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<sup>64</sup>Royal Dutch Shell plc (see n. 62) 28.

<sup>65</sup>*ibid.*, 29.

<sup>66</sup>See L Edelman, S Fuller, and I Mara-Drita, “Diversity Rhetoric and the Managerialization of Law” (2001) 106(6) *American Journal of Sociology* 1589; Edelman and Suchman, “The Legal Environments of Organizations” (see n. 28).



of understandings of the natural environment – 4 mentions referred to the Arctic environment specifically. Understanding in this sense signals a requirement for knowledge-generation, for invocations of external expertise. Understanding is to be ‘improved.’

Statoil, Total and PetroChina all parallel the standards-oriented lines that BP and Shell adopt, PetroChina to a far less extensive degree (Tables 5 & 6). Statoil emphasises its human rights training programme as part of this. Human rights are integrated as one of a range of ‘sustainability topics’ and issues, including relating to corporate governance, towards which staff – and security personnel – must be trained:

Training on environmental, social, human rights, and governance issues in Statoil is provided to all employees – including new employees, project managers, business developers, procurement and technical staff, as well as line managers and advisory staff. This training takes many forms, ranging from e-learning courses and formal training to on-the-job learning and competence sharing through functional networks. Moreover, CSR and ethics modules are to a large extent integrated into existing training and courses. It is difficult, therefore, to provide a full overview of the total number of hours spent on training on particular sustainability topics.<sup>67</sup>

Statoil is also more likely to articulate rights in the context of risk, collocated in with the word assessment. The company “conducted a thorough assessment of how we manage human rights risks in the supply chain,” for example, “with the purpose of identifying improvement areas and actions.”<sup>68</sup> Risk is put to work here as a mediating concept linking rights to measurement in other words. Rights in turn are put to work as amenable to measurement and control.<sup>69</sup>

## **Chevron, ExxonMobile, Petrobras**

Chevron and ExxonMobile arguably take a somewhat different tack (Tables 4 & 6). They are concerned with procedure and with codes and standards no doubt, but are also more likely to make reference to specific problems and subject populations and to ‘community’. This is not a consequence of either firm linking human rights and community very much – although we do see Chevron for instance referring to its commitment to work “with governments, business partners, the communities in which we operate and nongovernmental organizations to continue to help contribute to an environment in which human rights are respected.”<sup>70</sup> It is

<sup>67</sup>Statoil, *Sustainability Report* (CSR report, Statoil 2012) 17.

<sup>68</sup>Statoil, *Sustainability Report* (CSR report, Statoil 2014) 28.

<sup>69</sup>Power et al. (see n. 20); Power, “The invention of operational risk” (see n. 20).

<sup>70</sup>Chevron, *Chevron Corporation 2004 Corporate Responsibility Report* (CSR report, Chevron Corporation 2004) 26.

a consequence of community and human rights sitting together in headings, tables of contents and other structural devices. In fact, the concordances for human rights in Chevron and Exxon Mobile especially are more likely to evaluate the firms' relationships to rights in defensive terms. They emphasise states' primary roles in enforcing rights, their obligations under 'local' law and variations in legal environments across their spheres of operation:

Our Global Security group continues to include the Voluntary Principles in its periodic formal Security Management Reviews. Individual Chevron business units are responsible for implementing the Voluntary Principles in accordance with *local laws and conditions*. We also encourage the U.S. government to engage with other countries in the importance of upholding human rights and the rule of law. In 2004, we adopted a new internal guideline that supports the Voluntary Principles. The guideline limits any support we provide host country security or law enforcement organizations to nonlethal defense and logistics.<sup>71</sup>

The firms are also more likely to express rights in the context of how specific subject populations are to be approached in the context of company operations. For instance:

The Standard outlines different expectations that are intended to be implemented based on the identification of relevant socioeconomic risks, including indigenous peoples, impact assessment and mitigation, human rights, transparency and corruption, cultural heritage and diversity, community relations, land use and resettlement, and economic development.<sup>72</sup>

This conceptualises rights in the context both of risk, assessment and mitigation – as available for governance – *and* in the context of a link between transparency, corruption, heritage and land. Rights being placed in this context both underplays any specific role but also sets it to work in a general context of risk-based engagement.

Petrobras, finally, is perhaps the most forthcoming in conceptualising rights in the context of specific social and economic problems. Taking its lead from the Global Compact, for instance, it addresses human rights in the business chain in some detail and at length, drawing on ILO statistics and reference to Brazilian government initiatives regarding child labour and sexual exploitation:

Our Social Responsibility policy emphatically repudiates any violation of human rights and underlines our commitment to combat child labor particularly in agriculture, and sexual exploitation of children and

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<sup>71</sup>Chevron (see n. 70) 26.

<sup>72</sup>ExxonMobile, *ExxonMobile Corporate Citizenship Report* (CSR report, ExxonMobile 2013) 65.

adolescents; and forced or slave-like labor and degrading or hazardous work conditions.<sup>73</sup>

Invoking human rights in the context of terms like ‘violation’ and ‘repudiates’ suggests human rights being put to work in service of strong links between production – of biofuels in this case – and the need to answer expectations and negotiate relationships with the Brazilian state. Compare to Shell’s (earlier) response to the same issue above. In fact Shell’s 2013 report mentions child labour once, and only then to reassure us that “we review the extent to which our operations, as well as our contractors and suppliers, have processes in place to prevent violations of human rights, such as the use of child or forced labour.”<sup>74</sup> Rights violations here are subject to reassurance: that “in 2013, we trained 441 more employees in our social performance requirements.”<sup>75</sup>

## Conclusion

The meanings attached to human rights are themselves a function of the work the concept performs in corporate social reports. Words are operationalised and clarified in the context the linguistic neighbourhood in which they occur. Human rights play a key role in narrating corporate agency. They assist corporate actors and their officers in negotiating relationships with interlocutors and in managing the multiple expectations under which corporations work. They are accompanied by words that help us evaluate the work that they are doing for firms.

More than that, the corporate performance of rights narratives gives us key insights into the possibilities, opportunities and challenges we face when engaging with corporate actors on how their responsibilities might be managed. Corporate officers and actors accept the possibility and legitimacy of engagement through the very fact of their speaking to norms. They already recognise the validity of CSR demands. We should note moreover the role that human rights play in internal patterns of corporate authority and in reassuring corporate officers about how they exercise their roles. As with all talk of social responsibility, human rights as a result necessarily reembed the ‘disembedded’ corporate form and its officers in the society of norms.

Rights are key to this dynamic in large part because of their being both normatively laden and amenable to narratives of legalisation and codification and from there to benchmarking, measurement and governance. Their dual character allows corporate actors to affiliate themselves with core social norms without disrupting the corporation’s standard accountability procedures.

By in effect studying repetition within corporate narratives we can gain insights into how corporate officers are putting rights to work within corporate

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<sup>73</sup>Petrobras, *Sustainability Report* (CSR report, Petrobras 2013) 35.

<sup>74</sup>Royal Dutch Shell, *Sustainability Report* (CSR report, Royal Dutch Shell plc 2013) 34.

<sup>75</sup>*ibid.*, 34.

governance. These narratives, even when they come across as either parasitic on social mores or as little more than boilerplate, are nonetheless moral expressions, self-justifications and efforts at self-legitimation. They involve corporate recognition of both external and internal social claims and reflect corporate officers negotiating a path through broader social expectations. The corporation's status as a moral agent is wrapped up in its expressions but those expressions also articulate standard corporate functional routines. Rights are in this context not simply to be accounted *for*: their meanings are generated through the act of giving accounts. Business approaches to human rights have a compositional effects on both human rights *and* business. How firms put the concept of rights to work in their narratives clarifies not only the content of rights, but also the meaning of business as well.

## Appendix: Oil Giant Multigram Tables

Phrases employed three or more times. Longer phrases were consolidated into the highest phrase fragment in each part of the table.

Table 4: BP & RDS Human Rights Multigrams 1998-2015

BP		Royal Dutch Shell
	<b>1998</b>	
human rights issues		human rights groups
universal declaration human rights		universal declaration human rights
		defend human rights
		joint ventures
		business principles
	<b>1999</b>	
		distribution practical guide human rights
		human rights issues
		universal declaration human rights
		human rights business responsibilities
		human rights organisations
		understanding human rights
	<b>2000</b>	
protection human rights		commitment human rights
		human rights business
		child labour
		sustainable development
	<b>2001</b>	
voluntary principles security human rights		
human rights fundamental freedoms		

Table 4: BP & RDS Human Rights Multigrams 1998-2015

BP		Royal Dutch Shell
	2002	
		danish centre human rights
		human rights compliance
		business principles
	2003	
respecting supporting human rights		
respect human rights		
universal declaration human rights		
support human rights		
btc pipeline		
	2004	
voluntary principles security human rights		business principles
universal declaration human rights		
support voluntary principles security		
	2005	
voluntary principles security human rights		
	2006	
voluntary principles security human rights		human rights training
human rights bp		voluntary principles security human rights
	2007	
voluntary principles security human rights		fundamental human rights
		security human rights
		voluntary principles
	2008	
	2009	
		business human rights



Table 4: BP & RDS Human Rights Multigrams 1998-2015

<b>BP</b>		<b>Royal Dutch Shell</b>
	<b>2010</b>	
security human rights		respect human rights
human rights bp		human rights labour
communities security		john ruggie
bp sustainability		business human rights
	<b>2011</b>	
human rights issues		guiding principles
guiding principles		respect human rights
business human rights		human rights labour
human rights bp		
	<b>2012</b>	
human rights issues		respect human rights
human rights policy		human rights labour
security human rights		un global compact
supply chain		
	<b>2013</b>	
voluntary principles security human rights		danish institute human rights
human rights training events		respect human rights
human rights issues		global compact
bps human rights policy		human rights labour
managing human rights		
potential human rights		
programmes develop		
impact assessments		
human rights impact		
business human rights		
businesses functions		

Table 4: BP & RDS Human Rights Multigrams 1998-2015

BP		Royal Dutch Shell
guiding principles		
supply chain		
oil gas		
bp sustainability review		
	2014	
human rights policy		
voluntary principles security human rights		
human rights due diligence supply chain processes		
continue embed human rights		
un guiding principles business human rights		
businesses functions		
workforce welfare		
	2015	
human rights policy		danish institute human rights
voluntary principles security human rights		voluntary principles
human rights issues		
human rights clauses		
read human rights policy		
guiding principles		
workforce welfare		
labour rights		
supply chain		
code conduct		
bp sustainability report		

Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>		<b>ExxonMobile</b>
	<b>2002</b>	
support universal human rights		voluntary principles security human rights
environment benefit communities work		dialogue voluntary principles security
human rights principles		respect human rights
support universal human rights protect		best practices
human rights statement		
voluntary principles security human rights		
human rights issues		
	<b>2003</b>	
	<b>2004</b>	
consultation human rights statement		respect human rights
development human rights community		
voluntary principles security human rights		
training development human rights		
partnerships technology		
support human rights		
development human rights community		
investment partnerships technology		
job creation training development human rights		
consultation human rights		
supplier development		
job creation		
chevron way		
health safety		
climate change		
	<b>2005</b>	
human rights statement		security human rights

Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>		<b>ExxonMobile</b>
support universal human rights		respect human rights
voluntary principles		
hivaid's policy		
community engagement		
chevron way		
	<b>2006</b>	
voluntary principles security human rights		transparency human rights community relations
human rights statement		voluntary principles security human rights
community engagement human rights		respect human rights
global security advisors		workplace corporate governance transparency
global security		human rights community relations investments
support universal human rights		corporate governance transparency human rights
	<b>2007</b>	
human rights statement		corporate governance transparency human rights community
		voluntary principles security human rights
		respect human rights
		framework security human rights
		human rights training
		human rights international
		human rights voluntary
		governance transparency human rights
		human rights voluntary principles
		community development community
		united nations
		business conduct
	<b>2008</b>	
voluntary principles security human rights		human rights security

Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>	<b>ExxonMobile</b>
human rights campaign	voluntary principles security human rights
human rights statement	respect human rights
security human rights issues	provided dedicated human rights awareness training
updated bce code	united nations universal declaration human rights
community engagement	human rights issues
	nations universal
	provided dedicated
	respecting human rights
	business human rights
	special representative
	priority affiliates
	promote respect human rights
	united nations
	business environment
	latin america
	oil gas industry
	economic development
	<b>2009</b>
respect human rights	voluntary principles security human rights
voluntary principles security human rights	respecting human rights
human rights policy	respect human rights
human rights issues	human rights security
commitment respecting human rights	universal declaration human rights
guidelines voluntary	address human rights
security providers	human rights awareness
	human rights issues
	human rights training

Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>		<b>ExxonMobile</b>
		framework security human rights
		communities operate
		united nations
	<b>2010</b>	
		voluntary principles security human rights
		respecting human rights
		community engagement human rights
		human rights training
		framework security human rights
		respect human rights
		address human rights
		special representative
		united nations
		new guinea
	<b>2011</b>	
		human rights training
		human rights managing community impacts
		voluntary principles security human rights
		un framework guiding principles business
		business human rights
		respect human rights
		address human rights
		framework security human rights
		respecting human rights
		framework security
		human rights labor



Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>		<b>ExxonMobile</b>
	<b>2012</b>	
human rights policy		human rights managing community impacts
		voluntary principles security human rights
		respect human rights
		human rights training
		respecting human rights
		human rights awareness training
		united nations framework security human rights
		private security contracts
		guiding principles business human rights
		united nations framework guiding principles
		security personnel
		united nations
		community investments
	<b>2013</b>	
security human rights		human rights managing community impacts
		voluntary principles security human rights
		respecting human rights
		business human rights
		guiding principles
		indigenous peoples
		corporate citizenship
	<b>2014</b>	
		voluntary principles security human rights
		respecting human rights
		respect human rights
		potential human rights risks

Table 5: Chevron & Exxon Mobile Human Rights Multigrams 2002-2014

<b>Chevron</b>		<b>ExxonMobile</b>
		community social impact respecting human rights
		supply chain

Table 6: Statoil & Total Human Rights Multigrams 2001-2015

<b>Statoil</b>	<b>2001</b>	<b>Total</b>
human rights education		
impact operation projects		
human rights challenges		
security human rights		
amnesty international		
	<b>2002</b>	
breaches human rights		
universal declaration human rights		
fundamental standards human rights		
human rights abuses		
social investment		
amnesty international		
human rights statoil		
human rights training		
social responsibility		
statoil sustainable development		
	<b>2003</b>	
human rights activities		
human rights training		
social investment		
statoil sustainable		
	<b>2004</b>	
local spinoffs		
human rights training		
human rights venezuela		
human resources		

Table 6: Statoil & Total Human Rights Multigrams 2001-2015

<b>Statoil</b>		<b>Total</b>
social responsibility		
statoil sustainable development		
	<b>2005</b>	
human rights labour rights		upholding human rights
areas transparency		universal declaration human rights
rights local		voluntary principles security human rights vpshr
target areas		support universal
human rights labour rights local spinoffs		transnational corporations
social responsibility		
	<b>2006</b>	
human rights labour standards		human rights training
		voluntary principles security human rights
	<b>2007</b>	
		voluntary principles security human rights
		respect human rights
		operating reconciling security human rights
		universal declaration human rights
		environments spotlight nigeria
		human rights challenging spotlight myanmar environments
		local community operating reconciling security
		myanmar environments spotlight
		human rights challenging
		human rights security
		myanmar environments
		upholding human rights
		security human rights challenging
		supporting local community

Table 6: Statoil & Total Human Rights Multigrams 2001-2015

<b>Statoil</b>		<b>Total</b>
	<b>2008</b>	
		universal declaration human rights
		voluntary principles security human rights
		principle business
	<b>2009</b>	
		danish institute human rights
	<b>2010</b>	
	<b>2011</b>	
		danish institute human rights
		security human rights
		good corporation
	<b>2012</b>	
social human rights		voluntary principles security human rights
human rights risk		
respect human rights		
community human rights		
human rights due		
human rights training		
voluntary principles security human rights		
environment social human rights		
human rights due diligence		
un guiding principles business human rights		
respect human rights labour		
due diligence		
human rights integrity		
ethics transparency		

Table 6: Statoil & Total Human Rights Multigrams 2001-2015

<b>Statoil</b>		<b>Total</b>
risk assessment		
statoil statutory report		
	<b>2013</b>	
related human rights training provided		
human rights labour standards		
respect human rights		
security related human rights training		
security related human rights		
voluntary principles security human rights		
business human rights		
human rights risk		
security personnel		
	<b>2014</b>	
respect human rights		code conduct
un guiding principles business human rights		
human rights risk		
human rights training		
voluntary principles security human rights		
human rights section		
labour standards		
report human rights		
training provided		
statoil sustainability report		
	<b>2015</b>	
respect human rights		
voluntary principles security human rights		
internationally recognise human rights		

Table 6: Statoil & Total Human Rights Multigrams 2001-2015

<b>Statoil</b>		<b>Total</b>
resource efficiency		
human rights security		
business human rights		
guiding principles		
security services		
un guiding principles		

Table 7: Petrobras & Petro China Human Rights Multigrams 2007-2013

<b>Petrobras</b>	<b>2007</b>	<b>Petro China</b>
sports investments human rights principle		policies procedures concerning aspects human rights relevant operation
cultural social sports investments		soc hr percentage
global compact		hr percentage
health safety		hr total
social responsibility		human rights principle
		principle business
		global compact
		total number
	<b>2008</b>	
relating human rights		soc hr
human rights labor		
internationally proclaimed human rights		
policies procedures relating aspects		
ten principles		
human rights petrobras		
respect protection		
principle business		
environment report		
social responsibility		
	<b>2009</b>	
employment practices human rights		
human rights human resources management		
local development		
report petrobras		
	<b>2010</b>	



Table 7: Petrobas & Petro China Human Rights Multigrams 2007-2013

<b>Petrobas</b>		<b>Petro China</b>
social responsibility		
	<b>2011</b>	
sustainability report employment practices human rights		
	<b>2012</b>	
sustainability report employment practices human rights		
business chain		
human rights business chain		
aspects human rights		
practices human rights people		
diversity gender equity		
hr percentage		
forced compulsory labor		
	<b>2013</b>	
child labor		